IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.5110 of 2005

Date of Decision : December 05, 2006.

Punjab State Industrial Development Corporation Limited ..... Petitioner

Vs.

M/s India Bearing Store and others ..... Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

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Present : Mr.Arun Walia, Advocate
for the petitioner.

Mr.Vikram K.Chaudhri, Advocate
for the respondents.

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P.S.Patwalia, J. (Oral) :

A reading of the order dated 25.8.2005 would show that the trial court has allowed an application filed by the respondent allowing him to recover some documents which are required by him for the purpose of leading his evidence which are lying in the shop which has been sealed by the petitioner. The trial court has ordered that the shop would be opened in the presence of an independent person – an advocate of Tarn Taran. The lock will be removed. The plaintiff will take out the requisite documents, the advocate will prepare a list of the documents and submit his report along with these documents to the court on or before the next date. This has been done on account of the fact that the respondent-plaintiff had stated that his rent receipts are lying locked in the shop along with some books of accounts. Learned counsel for the petitioner has contended that this order should not have been passed as a similar application for the same relief was

earlier declined by the Civil Judge on 18.11.2004. He has referred to that order which is on record as Annexure P-3. After going through the same it is apparent that a similar application was indeed declined by the trial court. However I am of the opinion that these orders are in the nature of interim orders and if the court was inclined to permit the plaintiff to take out some documents to substantiate his evidence then no error has been committed by the court so as to warrant interference by way of the present revision petition. It is however clarified that the Local Commissioner will issue notice to the parties of the date when he would go to the shop. The parties would remain present in the shop at 11:00 A.M. on that day. Locks would be opened by the Local Commissioner and thereafter the petitioner would be given one hour's time to take out the documents required by him. Thereafter the shop would be re-locked and re-sealed in the same manner as the Local Commissioner had found it when he opened the locks.

With the aforesaid observations the present revision petition is dismissed.

December 05, 2006 (P.S.Patwalia)
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